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STATE OF WISCONSIN
BEFORE THE WISCONSIN MEDICAL EXAMINING BOARD

IN THE MATTER OF THE APPLICATION FOR:

LICENSURE OF

:

:

LS0408182MED

CURTIS D. ONGSTAD, M.D.,

:

APPLICANT.

:

ORDER GRANTING LIMITED LICENSE

The Wisconsin Medical Examining Board makes the following findings and orders, based upon all of the information of record:

FINDINGS OF FACT

1. Curtis D. Ongstad, M.D., hereinafter referred to as the “applicant,” whose date of birth is September 24, 1954, is licensed in the state of North Dakota as a medical doctor, pursuant to license #4954.

2. The applicant was previously licensed as medical doctor in the state of Minnesota, pursuant to license # 29781, which has expired and has not been renewed.

3. The applicant’s current address is 2168 134th Street, New Richmond, Wisconsin 54017.

4. On or about April 16, 2004, the applicant filed an application for a license to practice medicine and surgery in Wisconsin.

5. On June 16, 2004, the applicant appeared before a panel of the Wisconsin Medical Examining Board for an oral examination on his application for licensure. The applicant disclosed that he had been disciplined by the State of North Dakota and was under a Board order.

PRIOR DISCIPLINARY ACTION

6. On July 23, 2003, the North Dakota State Board of Medical Examiners had issued a disciplinary order against the applicant, which placed the applicant’s license to practice medicine in North Dakota on probation for a period of four (4) years, subject to certain conditions. These conditions included a prohibition against the applicant’s continued practice of obstetrics until he had completed a mini-residency program in obstetrics and had been proctored for thirty (30) obstetrics cases. A true and correct copy of the North Dakota Medical Board stipulation and order is attached and incorporated herein as **Exhibit 1**.

7. On November 21, 2003, the North Dakota State Board of Medical Examiners issued a second Order which removed some of the prohibitions, based upon evidence of the applicant’s partial compliance with the order, however, the Board indicated that it would conduct a further review of the first ten (10) obstetrical cases managed by the applicant in which a patient who has not previously given birth to a child progresses to second stage labor. A true and correct copy of the second Order of the North Dakota Medical Board is attached and incorporated herein as **Exhibit 2**.

8. The applicant has accepted an offer of employment in Wisconsin and is willing to complete the remaining requirement for the review of the remaining ten (10) cases by a physician licensed in the state of Wisconsin.

ORDER

IT IS HEREBY ORDERED that a LIMITED license to practice medicine in the state of Wisconsin shall be issued to the applicant, conditioned upon the restrictions set forth below.

IT IS FURTHER ORDERED that the period of limitation shall remain in effect until the applicant has submitted proof of compliance with this order by the applicant. Upon completion of the requirements of this order, the applicant may submit a petition for removal of the limitations on his license.

A. Review of Obstetrical Practice

1. The applicant shall arrange for a Wisconsin licensed physician, who is pre-approved by the Board, to review the medical records of ten (10) obstetrical cases handled by the applicant. This review shall involve a patient who has not previously given birth and include the beginning stages of labor through delivery, with the primary focus on 2nd stage labor, as described in the North Dakota order, dated November 21, 2003. These requirements were not completed by the applicant prior to his application for licensure in Wisconsin.
2. The reviewing physician shall review the patient's medical file and provide a written report of their findings and impressions of the applicant's management of the labor and delivery to the Wisconsin Medical Board.
3. The reviewing physician's reports shall be submitted to the Wisconsin Medical Board within 30 days after each labor and delivery handled by the applicant.

B. Disclosure of Disciplinary Orders

1. The applicant shall provide a copy of this Order and the North Dakota disciplinary orders to his approved reviewing physician and to any medical facility where the applicant is permitted to practice.
2. The applicant shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

C. Department Monitor

Any reports, requests, petitions and other information required by this Order to be submitted to the Wisconsin Medical Board shall be mailed, e-mailed, faxed or delivered to:

Department Monitor, Department of Regulation and Licensing
1400 East Washington Ave., P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264, Telephone: (608) 267-3817
department.monitor@drl.state.wi.us

D. Substitution of Reviewing Physician Approved by Board

If the Board or its designee determines the pre-approved reviewing physician is unable to satisfy the terms and conditions of this Order, the Board or its designee may approve a substitute physician to fulfill the review requirements of this order.

E. Petitions for Modification

The applicant may petition the Board for modification of the terms of this Order if such modification is deemed appropriate and necessary in the discretion of the Board. Any such petition shall be accompanied by a written explanation of the reason for the modification sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of §227.01(3)(a), Stats., and the applicant shall not have a right to any further hearings or proceedings on the denial.

F. Annual Appearance

The applicant shall make an annual personal appearance before the Board to answer any questions that the Board may have concerning the applicant's compliance with the order. The Board, in its discretion, may modify the terms of the order to impose additional restrictions, based on any information received at the annual appearance from the applicant, the Department Monitor or any other credible source.

G. Summary Suspension

1. The applicant's limited license shall be subject to summary suspension for violation of the terms of the order. If the Board determines that there is good cause for summarily suspending the applicant's license, the summary suspension shall become effective upon:
 - (a) Mailing to the applicant's last-known address provided to the Department of Regulation and Licensing pursuant to § 440.11, Stats., or
 - (b) Actual notice to the applicant or his attorney.
2. The applicant may request a hearing on the imposition of the summary suspension, and such hearing shall be held using the procedures set forth in ch. RL 2, Wis. Adm. Code. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within sixty (60) days of receipt of the applicant's request, unless otherwise waived by the applicant. The request of a hearing does not stay the suspension during the pendency of the hearing process.
3. After a hearing, or in lieu of a hearing, the Board or its designee, may reinstate the limited license, provided there is sufficient evidence that the applicant is in compliance with the Order and that suspension is not required to protect the health, welfare or safety of the public. The decision whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.
4. The sufficiency of the proof of compliance shall be determined by the Board or its designee in its discretion. The suspension will be tolled during any period that the applicant is not working as a physician.

H. Additional Discipline

In addition to a summary suspension, the violation of any term of this Order may be the basis for a separate disciplinary action under § 441.07, Stats. The rights of a party aggrieved by this Decision to petition the Section for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin, this 18th day of August, 2004.

Lief W. Erickson, Jr., M.D.
Secretary of the Board